

May 11, 2022

By ECF

The Honorable Mary Kay Vyskocil
United States District Judge
Southern District of New York
500 Pearl Street, Courtroom 18C
New York, New York, 10007

Re: Ciaramella, et al. v. Zucker,
No. 18 Civ. 6945 (MKV)

Dear Judge Vyskocil:

The undersigned counsel represent plaintiffs Frank Ciaramella, Lillian Velazquez, AnneMarie Walker, Antonio Martin, Christopher Russo, Matthew Adinolfi, Jody Virtuoso, Yvonne Hawkins, Blanca Coreas, and Brenda Perry on behalf of themselves and all others similarly situated (“Plaintiffs”) and Defendant Mary T. Bassett, in her capacity as Commissioner of the Department of Health (“Defendant” and, with Plaintiffs, the “Parties”). The Parties write the Court to request that the Court order a mediation conference to resolve outstanding disputes with their proposed Stipulation of Settlement (the “Proposed Stipulation”).

Since the previous Joint Status Letter (ECF 269), the Parties have exchanged further drafts of the Proposed Stipulation and significantly narrowed down the remaining areas of disagreement. However, despite good-faith efforts by both Parties, they have been unable to reach resolution on two issues: 1) how long the Proposed Stipulation should remain in effect; and 2) whether and to what extent the Proposed Stipulation should require Defendant to provide periodic reporting to Plaintiffs’ counsel to facilitate Plaintiffs’ monitoring of Defendant’s compliance. Given their shared desire for an expeditious resolution of this matter, the Parties believe it would be beneficial to address these issues via further mediation before Magistrate Judge Cave or Your Honor. If acceptable to the Court, the Parties can make themselves available for mediation at the Court’s convenience. However, the parties would respectfully request a date after May 17, 2022 as Defendant’s lead attorney, Rene Hertzog, is expected to be unavailable at least through that date as she is serving on a multi-week jury trial in Kings County Supreme Court.

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Respectfully submitted,

/s/ Wesley R. Powell

Wesley R. Powell
Willkie Farr & Gallagher LLP
Counsel for Plaintiffs

/s/ Glenne Fucci

Glenne Fucci¹
Assistant Attorney General
Counsel for Defendant

Cc: All counsel of record (by ECF)

¹ Defendant's counsel has provided Plaintiffs' counsel with authorization to sign this joint status report on Defendant's counsel's behalf.